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Attorney for Debtor RUIZ

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA, FRESNO

In re: Case No. 13-15408A-13F  
Chapter 13  
HECTOR RUIZ, D.C. No. PBB-1

**HEARING**

Date: November 7, 2013  
Time: 9:00 a.m.  
Dept A  
Ctrm: 11 (5th Floor)  
United States Bankruptcy Court  
2500 Tulare Street  
Fresno, California 93721-1318

**[HONORABLE FREDRICK E. CLEMENT]**

\_\_\_\_\_  
Debtor. /

**MOTION FOR CONFIRMATION OF FIRST MODIFIED  
CHAPTER 13 PLAN PURSUANT TO 11 USC SECTION 1329**

The Debtor, Hector Ruiz, (hereinafter referred to as "Debtor"), hereby moves this Court for an Order confirming the First Modified Plan.

The Debtor hereby moves this Court for an Order approving the First Modified Plan for the following reasons:

1. Hector Ruiz, is the Debtor in the case number 13-15408. His petition was filed on August 9, 2013.
2. The original Chapter 13 Plan filed on August 9, 2013 proposed the following:  
\$265.00 per month for 48 months with zero percent to unsecured creditors. This Plan was withdrawn on September 24, 2013.

1                   3. To date, the Debtor has been in bankruptcy for one month and has tendered  
2 \$265.00 to the Trustee for Plan payments.

3                   4. The Debtor do not have any mortgage loans.

4                   5. The purpose of this modification is to correct information omitted from section  
5 2.06 of the original Plan. In this modified Plan Debtor's attorney will seek court approval by  
6 complying with Local Bankruptcy Rule 2016-1(c).

7                   6. There are no other changes to Debtor's modified Plan.

8                   7. Filed concurrently herewith as Exhibit "A" is a copy of Debtor's schedule I as  
9 filed on August 9, 2013. There have been no changes to Debtor's income since the filing of this  
10 case.

11                  8. In this First Modified Plan the Plan payments are as follows: \$265.00 per  
12 month for 48 months, unsecured creditors will receive zero percent.

13                  9. Filed concurrently herewith as Exhibit "B" is a copy of Debtor's schedule J as  
14 filed on August 9, 2013. There have been no changes to Debtor's living expenses since the filing  
15 of this case.

16                  10. The Debtor hereby moves this Court to confirm the First Modified Chapter 13  
17 Plan, which was served on Michael H. Meyer, all creditors and all interested parties and is filed  
18 concurrently herewith.

19                  11. The First Modified Plan complies with applicable law.

20                  12. Any fees or charges required by Chapter 123 of Title 28 of the U.S. Code  
21 have been paid.

22                  13. The Plan is proposed in good faith and is not by any means forbidden by law.  
23 The Petitions was filed in good faith. The Debtor has been in this bankruptcy case for one month  
24 and intends to complete this Plan.

25                  14. Unsecured creditors will receive zero percent which is what they would  
26 receive in the event of a Chapter 7 liquidation. The general unsecured creditors would receive  
27 \$0.00 under the Chapter 7 liquidation analysis. Debtor has listed all assets in Schedule A and B  
28 and believes the values remain the same, if not less.

15. As required by section 1325(a)(5)(B), the plan provides that all secured creditors retain their lien on their collateral until the secured claim is paid or until the creditors accepts surrender of their collateral. All secured creditors have either accepted the Plan, will be allowed to collect and dispose of the collateral via surrender thereof, or will be paid the value of their collateral pursuant to terms of the Plan. This Plan does not require any motions to value.

16. The Debtor is current with any on-going payments for domestic support that have come due since the filing of this case.

17. The Debtor has filed all applicable tax returns which have become due for the last four years.

Based on the foregoing, the Debtor respectfully requests that the Court confirm the First Modified Chapter 13 Plan.

Dated: 9-24-13

  
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PETER B. BUNTING  
Attorney at Law